

27



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER
			2684	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,659

Applicant(s)

BALASURIYA ET AL.

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/5/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 8 recites the limitation "said invite message" in lines 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 9 recites the limitation "said invite message" in lines 1. There is insufficient antecedent basis for this limitation in the claim.
5. *Note that these claims will be examined as if they were the first recitation of an invite message.*

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggenti et al (US 6,477,150).

Consider claim 20. Maggenti teaches a server of a dispatch communication system comprising:

a transceiver (*Maggenti shows base stations, which have transceivers, in figure 2, item 216*) configured to receive a floor request message associated with a media resource comprising at least one media stream. Note that as described in the instant specification the claimed media resource is a user requesting the floor in order to transmit a media stream, as described in paragraph 22. (*Maggenti describes a user (which Maggenti refers to as a "CD" or communication device, in column 2, line 20) requesting the floor to transmit media in column 5, lines 37-46, column 6, lines 24-28, column 7, lines 38-57 and column 21, lines 15-25), and*

further configured to assign a priority to at least one of said media resource and said at least one media stream (*Maggenti describes assigning priority to CD's (i.e. communication devices) in column 5, lines 26-37, and column 7, lines 15-28. Note that Maggenti therefore assigns priority to the media source and stream since Maggenti's CD is in fact the media source providing the media stream).*

As to claim 21, Maggenti teaches that the floor request message comprises an invite message (*Maggenti describes the floor request comprising an invite message in column 27, lines 24-50 and column 28, lines 28-38).*

As to claim 22, Maggenti teaches that the invite message is a Session initiation Protocol message (*Maggenti teaches the invite comprising Session Initiation Protocol or SIP in column 24, lines 55-61, column 25, lines 50-65).*

As to claim 23, Maggenti teaches that the invite message comprises Session Description Protocol records (*Maggenti teaches the invite comprising Session Description Protocol or SDP in column 24, lines 55-61, column 25, lines 50-65).*

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1,3,4,11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palaez et al (US 2004/0190489) in view of Koskelainen et al (US 2004/0174830).

Consider claim 1. Palaez teaches a mobile station of a dispatch communication system comprising:

a transceiver (*Palaez's mobile station is a multimedia terminal, specifically a multimedia enabled mobile phone, which of course is a transceiver, shown in figure 1, as item 40, and described in paragraph 51*) configured to communicate with at least one remote device (*Palaez teaches that the MMT communicates with other, remote terminals in paragraph 50, shows the other terminals as items 50 and 60 in figure 1, and*

Art Unit: 2684

describes them in paragraphs 52 and 53) for a plurality of floors (Palaez shows the multiple floors in figure 2 boxes 130a, 130v and 130t, and describes them in paragraph 67),

each floor being associated with a media type (Palaez shows the multiple floor media assignments in figure 2 boxes 140a, 140v and 140t, and describes the assignment of media to floors in paragraphs 66, and 68).

Palaez lacks a teaching of the plurality of floors being part of a single session. Note that Palaez teaches using Session Initiation Protocol (SIP) to control the arrangement *(Palaez teaches using SIP session establishment protocol in paragraph 56).*

Koskelainen teaches an improvement to SIP in which a single session can comprise a plurality of floors. *(Note that Koskelainen calls a communications session with more than two participants a conference, as described in paragraph 2, and describes how a single conference (i.e. session) can have multiple floors in paragraphs 8 and 49. Koskelainen teaches using the SIP protocol to carry out the floor control in paragraph 38)* Koskelainen also notes the advantage of using a single session to set multiple floor controls *(Koskelainen notes that session floor control allows for conferences, or sessions in which complex rules of floor control can be defined beforehand allowing for access to be simply and automatically controlled during a session as described in paragraphs 28-30).*

It would have been obvious to modify the multi floor arrangement of Palaez to establish the multiple floors in a single session in order to have rules of floor control

Art Unit: 2684

defined beforehand, allowing for access to be simply and automatically controlled during the session.

As to claim 3, Palaez teaches an activation sensor configured to indicate a particular floor of the session (*Palaez teaches push button switches or sensors used to indicate a particular floor of the session as described in paragraph 67*).

As to claim 4, Palaez teaches a first activation sensor configured to indicate a first floor of the session and a second activation sensor configured to indicate a second floor of the session (*Palaez teaches using a first switch (push button) to indicate a first floor and a second switch to indicate a second floors as described in paragraph 67*).

Consider claim 11. Palaez teaches a method for a communication device of a dispatch communication system comprising:

participating in sessions having a plurality of floors (Palaez shows the multiple floors in figure 2 boxes 130a, 130v and 130t, and describes them in paragraph 67),

each floor being associated with a media type (*Palaez shows the multiple floor media assignments in figure 2 boxes 140a, 140v and 140t, and describes the assignment of media to floors in paragraphs 66, and 68*).

Palaez lacks a teaching of the plurality of floors being part of a single session. Note that Palaez teaches using Session Initiation Protocol (SIP) to control the arrangement (*Palaez teaches using SIP session establishment protocol in paragraph 56*).

Koskelainen teaches an improvement to SIP in which a single session can comprise a plurality of floors. *(Note that Koskelainen calls a communications session with more than two participants a conference, as described in paragraph 2, and describes how a single conference (i.e. session) can have multiple floors in paragraphs 8 and 49. Koskelainen teaches using the SIP protocol to carry out the floor control in paragraph 38)* Koskelainen also notes the advantage of using a single session to set multiple floor controls *(Koskelainen notes that session floor control allows for conferences, or sessions in which complex rules of floor control can be defined beforehand allowing for access to be simply and automatically controlled during a session as described in paragraphs 28-30).*

It would have been obvious to modify the multi floor arrangement of Palaez to establish the multiple floors in a single session in order to have rules of floor control defined beforehand, allowing for access to be simply and automatically controlled during the session.

As to claim 12, Palaez teaches obtaining control of a particular floor of the session, and providing a first content to the particular floor of the session in response to obtaining control of the particular floor. Note that in a floor controlled system, content, whether spoken audio or some other media, can only be provided by the unit that has been granted the floor as described in the instant specification in paragraph 2. *(Palaez teaches that once granted floor control the units provide content, such as audio or video as described in paragraph 72).*

As to claim 13, Palaez teaches releasing control of a particular floor of the session; and receiving content from the particular floor of the session after releasing control of the particular floor. As noted above and as described in the instant specification in paragraph 2, in a floor control system, a unit can only either receive or transmit on a floor, therefore the unit could only receive by releasing control of the floor (*Palaez notes that a user must release the floor in order to receive content, such as audio from another user. Palaez also describes how user Y, would have to give up control of the audio floor in order to receive audio from user Z, in paragraph 72*).

As to claim 14, Palaez teaches obtaining control of a first floor of the session; and providing a first content to the first floor of the session while receiving a second content from a second floor of the session (*Palaez describes a user X providing a first (video) content on one floor, while receiving second (audio) content on a second floor from users Y or Z in paragraphs 71 and 72*).

As to claim 15, Palaez teaches releasing control of a first floor of the session; and receiving a first content from the first floor of the session while providing a second content to a second floor of the session (*Palaez describes a user X providing (video) content on one floor, while receiving (audio) content on a second floor from users Y or Z in paragraphs 71 and 72. Palaez also describes how user Y, would have to give up control of the audio floor to receive audio from user Z, while still receiving video from user X in paragraph 72*).

As to claim 16, Palaez teaches obtaining control of a first floor and a second floor of the session; and providing a first content to the first floor and a second content to the

Art Unit: 2684

second floor of the session concurrently in response to obtaining control of the particular floor *(Palaez describes a user X providing (video) content on one floor, while receiving (audio) content on a second floor from users Y or Z in paragraphs 71 and 72. Palaez also describes how the users can transfer control of the various floors between them as needed in paragraph 72).*

As to claim 17, Palaez teaches releasing control of a first floor and a second floor of the session, and receiving a first content from the first floor and a second content from the second floor of the session concurrently after releasing control of the first floor and the second floor. As noted above and as described in the instant specification in paragraph 2, in a floor control system, a unit can only either receive or transmit on a floor; therefore the unit could only receive by releasing control of the floor *(Palaez describes a user X providing (video) content on one floor, while receiving (audio) content on a second floor from users Y or Z in paragraphs 71 and 72. Palaez also describes how the users can transfer control of the various floors between them as needed in paragraph 72).*

As to claim 18, Palaez teaches receiving content for the first floor and the second floor of the session concurrently comprises: receiving the first content from the first floor controlled by a first device; and receiving the second content from the second floor controlled by a second device. *(Palaez describes a user X providing (video) content on one floor, while receiving (audio) content on a second floor from users Y or Z in paragraphs 71 and 72. Palaez also describes how the users can transfer control of the various floors between them as needed in paragraph 72).*

11. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palaez et al in view of Koskelainen et al and further in view of Costa-Requena et al (US 2004/0071099).

Consider claim 2. Palaez in view of Koskelainen as applied to claim 1 above teaches the media types includes one of

an audio media, (*Palaez teaches audio, paragraph 67*)

a video media, (*Palaez teaches video, paragraph 67*)

and an image media (*Palaez teaches still image in paragraph 3*),

a commentary media (*Palaez teaches a text media, which could be used for commentary, paragraph 67*).

Palaez lacks a teaching of the media types including a white board media. In a similar floor controlled communication system (*Costa-Requena shows the system in figure 1, and describes it in paragraphs 1-4, 14*), Costa Requena teaches transmitting white board applications (*Costa-Requena describes transmitting white board media for white board applications in paragraphs 46,48,51,52*). It would have been obvious to one of ordinary skill in the art to modify Palaez to transmit white board media in order to allow users to utilize white board applications in the communication session.

Palaez also lacks a teaching of one of the media types being a multimedia (i.e. combined media). Note that Palaez teaches that it is already known in the art to combine media types (*Palaez teaches combined media, i.e. multi-media in paragraph 3*), and Palaez also teaches that aspects of the embodiments may be mixed as

Art Unit: 2684

appropriate for desired applications the (*Palaez teaches mixing elements in paragraph 74*). Therefore, it would have been obvious to one of ordinary skill in the art to modify Palaez to use multimedia, or combined media as one of the types in order to provide the appropriate media for desired applications.

Consider claim 19. Palaez in view of Koskelainen as applied to claim 11 above, teaches that each media type includes one of :

an audio media, (*Palaez teaches audio, paragraph 67*)

a video media, (*Palaez teaches video, paragraph 67*)

and an image media (*Palaez teaches still image in paragraph 3*),

a commentary media (*Palaez teaches a text media, which could be used for commentary, paragraph 67*).

Palaez lacks a teaching of the media types including a white board media. In a similar floor controlled communication system (*Costa-Requena shows the system in figure 1, and describes it in paragraphs 1-4, 14*), Costa Requena teaches transmitting white board applications (*Costa-Requena describes transmitting white board media for white board applications in paragraphs 46,48,51,52*). It would have been obvious to one of ordinary skill in the art to modify Palaez to transmit white board media in order to allow users to utilize white board applications in the communication session.

Palaez also lacks a teaching of one of the media types being a multimedia (i.e. combined media). Note that Palaez teaches that it is already known in the art to combine media types (*Palaez teaches combined media, i.e. multi-media in paragraph 3*), and Palaez also teaches that aspects of the embodiments may be mixed as

appropriate for desired applications the *(Palaez teaches mixing elements in paragraph 74)*. Therefore, it would have been obvious to one of ordinary skill in the art to modify Palaez to use multimedia, or combined media as one of the types in order to provide the appropriate media for desired applications.

12. Claim 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over Palaez et al in view of Koskelainen et al and further in view of Angle et al (US 6,366,771).

Consider claim 5, Palaez in view of Koskelainen as applied to claim 1 lacks a teaching of an activation sensor having a first position associated with a first floor of the session and a second position associated with a second floor of the session. Note that Palaez teaches a first activation sensor configured to indicate a first floor of the session and a separate second activation sensor configured to indicate a second floor of the session *(Palaez teaches using a first, push to talk or push to video switch (push button) to indicate a first floor and a second push to talk or video switch to indicate a second floors as described in paragraph 67)*.

Angel teaches a push to talk switch configured as a thumb wheel with different positions to indicate different push to talk connections. *(Angel shows the thumb wheel as item 310 in figure 6 and describes how the wheel can be turned to select push to talk settings before depressing to activate in column 7, lines 50-62)*.

It would have been obvious to one of ordinary skill in the art to modify Palaez to replace the separate push to talk buttons with the single actuator of Angel in order to reduce the amount of buttons needed in the arrangement.

Art Unit: 2684

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palaez et al in view of Koskelainen et al.

Consider claim 6, Palaez in view of Koskelainen as applied to claim 1, fails to teaches the media type comprising a plurality of media streams. Note that Palaez teaches that it is already known in the art to combine media types i.e. provide a plurality of media streams (*Palaez teaches combined media, i.e. a plurality of media streams in paragraph 3*), and Palaez also teaches that aspects of the embodiments may be mixed as appropriate for desired applications the (*Palaez teaches mixing elements in paragraph 74*). Therefore, it would have been obvious to one of ordinary skill in the art to modify Palaez to provide combined media, or a plurality of media streams as one of the types in order to provide the appropriate media for desired applications.

14. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palaez et al in view of Koskelainen et al and further in view of Maggenti et al (US 6,477,150).

Consider claim 7. Palaez lacks a teaching of transmitting at least one invite message having a priority associated with at least one of said media type and a media stream.

In a similar floor control communication system, Maggenti teaches users having priority to transmit media. Note that since the user would have priority, the media type they wished to stream would be associated with their priority. (*Maggenti describes a user (which Maggenti refers to as a "CD" or communication device, in column 2, line 20)*

Art Unit: 2684

requesting the floor to transmit media streams in column 7, lines 38-57 and column 21, lines 15-25. Maggenti describes assigning priority to CD's (i.e. communication devices) in column 5, lines 26-37, and column 7, lines 15-28. Note that since Maggenti's CD is in fact the media source providing the media stream the priority is therefore assigned to the CD as media source of the media stream.

It would have been obvious to one of ordinary skill in the art to modify Palaez in view of Koskelainen to provide users with priority in order to ensure that certain users would not be blocked by other users, as taught by Maggenti.

Palaez also lacks a teaching of using invite messages. Note that Palaez teaches using SIP protocol to initiate sessions (*Palaez teaches using SIP session establishment protocol in paragraph 56*). In a similar floor control communication system, Maggenti teaches using invite messages as part of the SIP protocol transmission set up. (*Maggenti describes the floor request comprising an invite message as part of the SIP in column 27, lines 24-50 and column 28, lines 28-38*). It would have been obvious to one of ordinary skill in the art to modify Palaez to use the invite messages in order to utilize standard SIP protocol messaging for floor control as taught by Maggenti.

Consider claim 8. *As noted in the 112 rejection above, this claim will be examined as if it was the first recitation of an invite message.*

Palaez in view of Koskelainen as applied to claim 1 above lack a teaching of an invite message that is a Session initiation Protocol message.

Note that Palaez teaches using SIP protocol to initiate sessions (*Palaez teaches using SIP session establishment protocol in paragraph 56*). In a similar floor control

Art Unit: 2684

communication system, Maggenti teaches using invite messages as part of the SIP protocol transmission set up. *(Maggenti describes the floor request comprising an invite message as part of the SIP in column 24, lines 55-61, column 25, lines 50-65, column 27, lines 24-50 and column 28, lines 28-38).* It would have been obvious to one of ordinary skill in the art to modify Palaez to use the invite messages in order to utilize standard SIP protocol messaging for floor control as taught by Maggenti.

Consider claim 9. *As noted in the 112 rejection above, this claim will be examined as if it was the first recitation of an invite message.*

Palaez in view of Koskelainen as applied to claim 1 above, lacks a teaching of the invite message comprising Session Description Protocol records. Note that Palaez teaches using SIP protocol to initiate sessions *(Palaez teaches using SIP session establishment protocol in paragraph 56)*. In a similar floor control communication system, Maggenti teaches using SDP messages as part of the SIP protocol transmission set up. *(Maggenti describes the floor request comprising an invite message as part of the SIP in column 27, lines 24-50 and column 28, lines 28-38. Maggenti teaches the invite comprising SDP in column 24, lines 55-61, column 25, lines 50-65).* It would have been obvious to one of ordinary skill in the art to modify Palaez to use the SDP messages in order to utilize standard SIP protocol messaging for floor control as taught by Maggenti.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palaez et al in view of Koskelainen et al and further in view of Schroderus (US 2003/0223381).

As to claim 10, Palaez in view of Koskelainen as applied to claim 1 above lacks a teaching of the session comprises a Packet Data Context of a GPRS cellular network. *(Note that Palaez does teach using a public packet data service and notes that various packet data protocols could be used, as described in paragraph 1).*

Schroderus teaches a similar multimedia push to talk (i.e. floor controlled) communication system, utilizing the packet data of the GPRS standard *(Schroderus describes the multimedia push to talk system in paragraphs 25 and 26, and its implementation as packet data GPRS in paragraphs 30,31 and 51).* It would have been obvious to one of ordinary skill in the art to modify Palaez to utilize the packet data of GPRS in order to supply the service on systems using the popular GPRS standard, as taught by Schroderus.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629.

17. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now

Art Unit: 2684

located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/22/2006
PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

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